



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

ALC/DCP/PTH
F. #2016R00505

271 Cadman Plaza East
Brooklyn, New York 11201

February 6, 2019

BY ECF

The Honorable Brian M. Cogan
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Mark Nordlicht et al.
Criminal Docket No. 16-640 (BMC)

Dear Judge Cogan:

The government writes respectfully to request one modification to the Court's scheduling order entered earlier today on the government's pending motions regarding Federal Rule of Criminal Procedure 17(c) ("Rule 17(c)"). The government respectfully requests that the Court order the defendants to respond to the government's motion to quash the defendants Rule 17(c) subpoenas by February 8, 2019, rather than February 13, 2019. The limited set of Rule 17(c) subpoenas of which the government has received copies to date all directed the recipients to respond by February 11, 2019 or possibly be held in contempt. Accordingly, to avoid the unfair and unduly burdensome result that the subpoena recipients be forced to respond to these subpoenas, which the government maintains are improper, before the Court has ruled on the government's motion to quash, the government respectfully submits that the defendants should file their response by no later than February 8, 2019—three days before the subpoenas' return date. In the alternative, the government respectfully requests that the Court order the

defendants to notify each subpoena recipient that the return date of the subpoenas has been extended to a date following the Court's decision on the government's motion to quash.

Respectfully submitted,

RICHARD P. DONOGHUE
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cc: Clerk of the Court (BMC) (by ECF)
Defense counsel (by ECF)